

Subj: **ED6 & Focus Group**
 Date: 11/20/04 8:08:43 PM Eastern Standard Time
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Frank, Ellen, et al.,

One important fact to consider beyond the Focus group options analysis is that, at the time of Gov. Sundquist's public announcement of the "3,000-acre conservation area" in December, 2002, the acting Manager for ORO (Jim Turi) telephoned a number of parties (including myself) to explain that he had requested the governor "hold back" a certain amount of land for residential development, as a special concession to the City of Oak Ridge.

I am rather confident that he spoke of approximately 200 acres that the city had requested for residential development. He wanted to make sure that we understood what he was requesting of the state and why. I (and others, I believe) were under the very strong impression that this corresponded to the "vertical section of the boot" classified in Scenario 2 (and one other scenario?) as intended for "residential development." Incidentally, I am attaching a DOE map of the ORIGINAL Proposed Conservation Easement (from Dec. 10, 2002—about the time of Gov. Sundquist's announcement), which you will note does include of this city land for residential development—it goes all the way up to and beyond Wisconsin Ave. [The map requires that you have Acrobat Reader].

There was certainly no mention at that time of the "toe of boot" which was classified "yellow" for commercial development in the High Development Scenario (# 2). The city did not request that this land be held back from the Governor's announcement of the Agreement in Principal. So there was no original intention on anyone's part—DOE, the state of Tenn., or the City—to exclude this additional 90 or so acres from the conservation area---or to include it in the City's requested land for residential development.

Furthermore, as Ellen points out, the report clearly only considers the yellow "toe of the boot" in one scenario (# 2, High Development). And among Focus group members, this scenario was clearly the least popular (see voting by members in table at the end of the final report of the Focus Group). Clearly the city, by adding these acres at the toe (plus more acres at the top of the boot), has become greedy in its request. It is honoring neither the wishes of the Focus Group nor the agreement reached between the Governor, DOE, and the City in 2002.

Clearly part of the problem is that the city's memory and the public memory is poor on these events because of turnover in personnel. We have a new city manager with no information or memory of these events. Of the two council persons on the Focus Group, Ray Evans—who was the chief spokesman for the city on the group—is gone from City Council and David Mosby was

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never an active participant. Furthermore, the state has a new governor and DOE has a new manager. And finally, I and Marty Marina (former director of Tenn. Conservation League) are no longer around to point out these facts. I am quite certain that neither Tom Beehan nor Gerald Boyd are fully aware (in fact, may be totally unaware) of these specific agreements. Mayor Bradshaw on the other hand may have a vague recollection, which may have conveniently forgotten--David may be one of the better to remind of this prior commitment since he was actually Mayor at the time (Dec., 2002).

I feel that it is AFORR's important job to inform the current leaders of these organizations about these past commitments and of the fact that we expect them to be honored. If the city doesn't care about doing the honorable thing—and this may be more a lack of knowledge than a lack of honor—certainly I would think that Gerald Boyd's feet should be held to the fire to honor commitments made by his predecessor Jim Turi. It is also worth noting that Zach Wamp played a major role in organizing the Focus Group, negotiating its mission with ORO, and praising its approach, its work and its conclusions. In fact, he spoke such praise in a speech at the very public meeting where Gov. Sundquist made the Conservation Area announcement (and was around when Turi was negotiating the 200-acre deal with the city) To backtrack now on this work would be breaking of the public trust in so many ways.

Obviously, if these additional ~160 acres or so that the city is attempting to walk away with can be used as a bargaining chip for other important parcels (CROET's Development Area 4 and surrounding lands) or other agreement (such as long-term extension of Three Bends), I recommend "going for it" if you can make a good trade. In my opinion, this is hardly a breaking of the public trust, but merely achieving reasonable goals through compromise.

I am afraid the problem you will have with the CROET deal is that Young's organization has no dog in this particular dispute, stands to gain little (unless the land swap is completed), and is not that much influenced by the City (unless they want to come up with the money to buy the 37 acres—a possibility in my mind only after they have actually reaped a healthy profit off this residential development).

Hope this mix of history, facts, and opinion is helpful.

--Dev Joslin

Subject: ED 6 & Focus Group

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Dev

Hope all is going well. Sandra forwarded your last message. You may have sent

it to me but my computer bogged down with the picture. Glad the cat came back. Was suprised to hear about all the restrurants.

We had a meeting with DOE last night about ED6. My question is; was the boot

always considered to be land that was going to the city? See Ellen's notes on

the AFORR get together after the DOE meeting. I calculated the amount of land that was in the original boot (using focus group maps) and it came

out

approximately 300 acres. Katie and others pointed out that the focus group did

not have an accurate value for the acreage and that they had not considered land south of the turnpike and east of Wisconsin Avenue. The maps for all scenarios 'show' the land east of Wisconsin to be a part of "land uses are being

considered". Please try to get back to us because we are going to have a meeting

with the mayor and Boyd to negotiate our position. We feel like we could bargain for Area 4. Also Sandra suggests we throw in a new 5 year

conservation

contract on Three Bends and the virgin hardwoods.

Thanks.

Frank

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